IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.6244 OF 1998

Ms. Gauri Onkar Dhawale,
Minor through father and
the natural guardian Shri
Onkar Mahadeo Dhawale,
38/6, LIG Colony, Shindhunagar,
Nigadi, Pune-411 044 ..Petitioner

Versus

1. State of Maharashtra through)
its Secretary, Tribal)
Development Deptt.,Mantralaya)
2.Deputy Director (R) and Member)
Secretary, Committee for)
Scrutiny and Verification of)
Tribe Claims, Pune 28, Queens)
Garden, Pune.)
3.Principal, D.Y. Patil College)
of Engineering, Pune.)
4.Directorate of Technical)
Education, 3, Mahapalika Marg,)
Dhobi Talao, Mumbai-1.)..Respondentsa

Mr. R.K. Mendadkar with Ms. Helen Koli Mandlik, for the Petitioner
Mr. C.R. Sonawane, A.G.P. for Respondents 1, 2 and 4.

CORAM: F.I. REBELLO & S.P.KUKDAY, JJ.
DATE : 24th February, 2005
ORAL JUDGMENT (PER F.I. REBELLO, J.):

. The petitioner claims to be Halba, a notified S.T. in the State of Maharashtra. The petitioner's caste certificate was sent for verification before the Committee. Before the Committee the petitioner produced two bonafide certificates pertaining to her and five school leaving certificates related to her father and sister wherein the caste is mentioned as Halba. These documents were after the Presidential Notification of 1950. The Committee rejected the same on the ground that they cannot be treated as relevant documents. The caste certificates of petitioner and her father were not considered on the ground that they are subject to scrutiny.

In so far as this aspect is concerned we cannot find fault

with the order of the Committee.

. The Committee then in so far as the candidate's tribe claim with reference to the traits, characteristics and customs noted that in the father's school admission, occupation is mentioned as weaving and weaving is concerned as taboo among Halba,Scheduled Tribe. It is also noted that the candidate by letter dated 24th May, 1998 had set out that the traditional occupation of his family is preparation of poha. The Committee held that the Surnames as mentioned in the letter dated 25th May, 1998 are of bookish knowledge as also other information is of bookish knowledge and based upon that rejected the petitioner's claim.

2. From the above what emerges is that the documentary evidence has been totally rejected and the Committee has proceeded to reject the documentary evidence considering the occupation of the petitioner's father. That could have been a good reason in our opinion, to disbelieve the presumptive value of the certificates. This finding could have been supported if after Home Enquiry it had come on record that none of the petitioner's relatives are having surname as set out in the petitioner's letter dated 25th May, 1998 and/or the surnames do not belong to Halba S.T. No attempt was made to find out whether in fact the petitioner's relatives have those surnames.

3. Considering the above, to our mind the ends of justice would be met if the impugned order is set aside and the matter is remanded back to the Committee for Scrutiny and Verification of Tribe Claims, Pune, 28, Queens Garden, Pune to

reconsider the petitioner's claim and thereafter to pass appropriate orders according to law. The petitioner to appear before the Committee on 14th March, 2005 at 11.00 a.m. The Committee thereafter to proceed to dispose of the verification within a period of six months thereafter.

3. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)